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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: **MAY ET AL.**	Examiner: **M. RAMAKRISHNAIAH**
Serial No. **10/790,641**	Art Unit: **2614**
Filing Date: **MARCH 1, 2004**	Attorney Docket No. **ID-399 (80211)**
For: **COMMUNICATIONS SYSTEM PROVIDING TEXT-TO-SPEECH MESSAGE CONVERSION FEATURES USING AUDIO FILTER PARAMETERS AND RELATED METHODS**	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the final Office Action of April 23, 2007, and in connection with the Notice of Appeal filed concurrently herewith, please consider the remarks set out below.

REMARKS

Based upon the arguments presented below, Applicants respectfully request the Pre-Appeal Conference Panel reconsider and withdraw the Examiner's rejections of the claims.

The Examiner rejected independent Claims 1, 13, 21, 27, 33, and 38 over Koskan in view of Kuboyama et al. Koskan discloses a communications device (i.e., cell phone) to be worn by a user that is coupled to a headset by a communication link. The communications device is operable in first and second operating modes. When in the first operating mode, the device receives and presents text-based messages in human readable form to the user via a user interface. When in the second operating mode, the received message is converted to audible form using a text-to-speech synthesizer and presented to the user via the headset. (Col. 2, lines 38-52). In one embodiment, the communication device automatically switches to the second

operating mode based upon a characteristic of the received message, such as a keyword present in the received message or an indication of the message type. (Col. 3, lines 9-15).

The Examiner correctly notes that Koskan fails to disclose switching between the normal message mode and the audio message mode based upon a connection between the headset output and a headset, as recited by the independent claims, and looks to Kuboyama et al. to supply this deficiency. Kuboyama et al. discloses a communication device comprising a headset coupled to internal circuitry by either a wire or a wireless connection. (Paragraph 55). Determination means detects when the headset is connected to the communication device and outputs text information to a display when there is no connection, and to the headset when there is a connection. (E.g., Paragraphs 9-11, 23-25, 55-56, and 60). Kuboyama et al. teaches that this particular functionality is intended to avoid accidental disclosure of private text information over the onboard audio speaker of the communication device in a public place. (E.g., Paragraphs 5, 62, 80, 85).

The Examiner contended that a person of ordinary skill in the art would consider it obvious to modify Koskan to include the determination means of Kuboyama et al. for detecting when the headset is connected to the communication device, for outputting text information to the display when there is no connection, and for outputting to the headset when there is a connection. The Examiner contended that the person of ordinary skill in the art would be motivated by "the arrangement [] providing one method among many possible methods, to automatically direct audio output to the headset based on detection of connection status of headset to the communication device as taught by Kuboyama."

Applicants submit that the Examiner's proposed combination of Koskan and Kuboyama et al. is improper because the references teach away from such a selective combination, and because the modification of Koskan changes its principle of operation. More particularly, Koskan discloses that "[t]he device operating mode is preferably user selectable."

(Col. 2, lines 5-6). Koskan discloses that the user interface of the communication device includes a selectable mode switch. The user of Koskan manipulates the selectable mode switch to toggle the communications device between first (display mode) and second operating modes (headset mode). (Col. 2, lines 33-34). Therefore, Applicants submit that the person of ordinary skill in the art would be taught away from modifying Koskan to switch between modes automatically based upon the connection to the headset since Koskan expressly teaches that user controlled toggling between modes is desired.

Moreover, it appears that Koskan and Kuboyama et al. address different problems, and, for this reason also, would lead the person of ordinary skill in the art away from such a selective combination. For example, Koskan addresses the problem where the user is engrossed in a physical activity or within an environment that prevents access to the communications device. (Col. 1, lines 24-37; & Figure 1). Ostensibly, the reason why Koskan prefers the selectable mode switch is to allow the user to toggle the communications device between different modes prior to such activity necessitating the headset.

Differently, Kuboyama et al. addresses a privacy concern related to having text messages audibly announced in a public place. (Paragraph 5). The switching between modes based upon connection to the headset is intended to address the privacy concern, i.e. outputting to audio only when the headset is attached. The automatic mode switching of Kuboyama et al. appears to be inapplicable to the purpose of Koskan, i.e. switching when environmental or physical factors prevent user access to the device, since these same factors would prevent the user from connecting the headset to the communications device, for example, in wireless connection embodiments, by reducing physical displacement between the headset and communications device, and in wired embodiments, by coupling a wire between the headset and the communications device.

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Indeed, in Kuboyama et al., the toggling of modes based on connection between the communications device and the headset is intended to alleviate the problem of the user forgetting to toggle the manual switch. Because of all these reasons, Applicants submit that the person of ordinary skill in the art would be taught away from the Examiner's proposed combination of Koskan and Kuboyama et al., and would also consider such a selective combination to change the principle of operation of Koskan.

Accordingly, it is submitted that independent Claims 1, 13, 21, 27, 33, and 38 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY that the foregoing correspondence has been forwarded via facsimile number 571-273-8300 to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 10th day of August, 2007.